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Attorney for Defendant  
KYRA BRUBECK

**\*E-FILED - 3/12/10\***

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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11  
12 UNITED STATES OF AMERICA

13 Plaintiff,

14 vs.

15 KYRA BRUBECK,

16 Defendant.  
17

Case No. CR09-00457-RMW

STIPULATION AND [XXXXXXX] ORDER  
CONTINUING DEFENDANT'S SENTENCING

18 The parties, including the defendant, stipulate as follows:

19 1. On October 26, 2009, defendant Kyra Brubeck ("defendant") pled guilty to  
20 the indictment in the above-captioned case, charging her with one count of  
21 possession with intent to distribute 5 grams or more of actual methamphetamine in  
22 violation of 21 U.S.C. sections 841(a)(1) and (b)(1)(B)(viii). Defendant's  
23 sentencing is currently scheduled for March 15, 2010.


24 2. The U.S. Probation Officer assigned to the case, Ben Flores has not yet had  
25 an opportunity to interview the defendant – that is now scheduled to occur March  
26 17, 2010. Therefore, the Probation Department and defense counsel need  
additional time to prepare for sentencing. The U.S. Attorney's Office has no  
objection. The parties request that the sentencing hearing in the captioned matter

1 be continued from March 15, 2010 until May 3, 2010.

2 IT IS SO STIPULATED.

3  
4 JOSEPH P. RUSSONIELLO  
United States Attorney

5  
6 Dated: March 10, 2010

  
7 THOMAS M. O'CONNELL  
Assistant United States Attorney

8 Dated: March 10, 2010

  
9 WM. MICHAEL WHELAN, JR.  
Attorney for defendant KYRA BRUBECK

10  
11  
12 **XXXXXXXXXX ORDER**

13 Having considered the stipulation of the parties, and good cause appearing, the  
14 Court HEREBY ORDERS that the sentencing hearing now scheduled for March 15, 2010  
15 be continued to May 3, 2010 in order to afford U.S Probation more time to complete a  
16 Presentence Report and for defense counsel to prepare for sentencing. The Court orders  
17 that defendant Kyra Brubeck's sentencing is continued from March 15, 2010 to May 3,  
18 2010. at 9:00 a.m.

19 IT IS SO ORDERED.

20 DATED: 3/12/10

  
21 THE HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT COURT JUDGE